

TESTIMONY OF CYNTHIA SEEVERS

IN RE [REDACTED]

JUDGE RAMIREZ

MARCH 1, 2017

- 52 Claims to have "successfully completed" proficiency testing.
- 55 Degree is in Interior Design, not science.
- 55 Did not take any hard science courses in college.
- 67 Lab not accredited.
- 67 No written quality assurance procedures.
- 67 No formal error management system.
- 68 No written procedures for how to conduct a fingerprint examination.
- 69 No procedures defining "identify."
- 69 No procedures defining verification process.
- 70 Never disagreed with another CPD examiner's opinions in a case.
- 74 Never sought individual certification.
- 78 Not familiar with the Journal of Forensic Science.
- 81 Reads the Journal of Forensic Identification.
- 81 Has not read about cognitive bias.
- 82 Has not read about close non-matches.
- 85 Knows that the Mayfield case is about a misidentification by the FBI.
- 89 Has not read any error rate studies.
- 96 Has not read the Human Factors Report.
- 151 Sometimes it is difficult to distinguish bifurcations from ridge endings.
- 152 Heard of connective ambiguity.

- 156 Not familiar with the one dissimilarity rule.
- 156 Exclusion occurs if there is one unexplainable difference.
- 165 Only marks features "mentally" during comparison process.
- 169 Did not compare latent to anyone else on the AFIS hit list other than the defendant.

Judge Ramirez ruling:

"I'm also questioning the value of the testimony of Ms. Seavers when she testifies that her training entailed a bachelors degree in architecture and design with no background in biology, science, or mathematics."

"I'm also concerned about the fact that the CPD lab has no accreditation, no auditing system, no quality review, no error check process, no written professional development bench marks, that there's no standard operating procedures or guideline."

Not guilty.

STATE OF ILLINOIS)
) SS.
COUNTY OF C O O K)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
DEPARTMENT OF JUVENILE JUSTICE AND CHILD PROTECTION
JUVENILE JUSTICE DIVISION

IN RE:

[REDACTED]

Minor.

No. [REDACTED]

REPORT OF PROCEEDINGS had at the hearing
of the above-entitled cause, before the Honorable JUDGE
CYNTHIA RAMIREZ, Judge of said court, on the 1st day of
March, 2017, in Courtroom 2.

PRESENT:

HON. KIMBERLY M.B FOXX,
State's Attorney of Cook County, by:
MS. TAYLOR RAILSBACK, and
MS. AMY WATROBA,
Assistant State's Attorneys,
on behalf of the People;

HON. AMY P. CAMPANELLI,
Public Defender of Cook County, by:
MS. TAMAR SIRKIN, and
MR. JOSEPH CAVISE,
Assistant Public Defenders,
on behalf of the Minor Respondent.

Claretta Ross
Official Court Reporter 1

1 THE WITNESS: You're welcome.

2 THE COURT: All right.

3 State?

4 MS. WATROBA: Thank you, your Honor.

5 OFFICER CYNTHIA SEAVERS,

6 called as a witness on behalf of the People, having

7 been first duly sworn, was examined and testified

8 as follows:

9 DIRECT EXAMINATION

10 BY MS. WATROBA:

11 Q Officer, would you please introduce
12 yourself to the Court.

13 A My name is Cynthia Seavers, S-E-A-V-E-R-S,
14 Star No. 122771. I'm a latent print examiner with
15 the Chicago Police Department.

16 Q How long have you been a police officer
17 with the Chicago Police Department?

18 A I've been a police officer with the Chicago
19 Police Department for 18 years.

20 Q And how many of those years have you spent
21 as a latent print examiner?

22 A Approximately ten years, nine years plus.

23 Q Okay. And could you please explain some of
24 what your duties are as a latent print examiner?

1 A I evaluate, compare, and identify prints of
2 unknown sources to those of known persons, and I
3 determine whether or not they are identical. I
4 prepare reports on my findings, and I appear in
5 court when required to do so.

6 Q Okay. And could you briefly describe your
7 educational background?

8 A I graduated from Arizona State University
9 with a bachelors in science.

10 Q Now, as latent print examiner for the
11 Chicago Police Department, did you receive any kind
12 of specialized training in latent print
13 examination?

14 A Yes, I did.

15 Q Could you please describe that training.

16 A I received approximately 240 hours of
17 classroom training in the classification,
18 comparison and science of fingerprints from two
19 certified latent print examiners, who are now
20 retired, who had over 50 years experience in the
21 field of forensic service -- science, and I also
22 received one year one-on-one on-the-job training
23 with my mentor, a latent print examiner Leo
24 Cummings, who was a latent print examiner for 15

1 years.

2 Q Now, when you say one-on-one
3 on-the-job-training, what do you mean by that?

4 A I worked strictly with latent print
5 examiner Cummings, with going through cases from
6 the beginning of the case until end of the case.

7 Q So would it be fair to say during that year
8 you worked the cases with him; is that correct?

9 A Yes. That is correct.

10 Q And after you completed that training and
11 the one year mentorship, at that point did you
12 become a latent print examiner that would -- do
13 casework on your own?

14 A Yes.

15 Q And are you member of any professional
16 organizations?

17 A I am member of the International
18 Association of Identification.

19 Q Do you participate in ongoing training in
20 your field?

21 A I do.

22 Q And how do you stay current?

23 A I go to conferences that the IAI holds
24 usually every year, and I've had training from

1 other agencies who have come into the headquarters
2 and trained us such as the FBI and other
3 independent latent print examiners have come.

4 Q Okay. Would one of these trainings be one
5 given by the -- is it IAI -- or IDAI in October of
6 2016, eight hours of continuing education; is that
7 correct?

8 A That's true. That was with the Illinois
9 Division, yes.

10 Q Okay. And in 2015 again the Illinois
11 Division of International Association for
12 Identification, a four-hour workshop in continuing
13 education; is that correct?

14 A That's correct.

15 Q And did you receive training from the FBI
16 in 2010 regarding the ACE-V methodology in
17 courtroom testimony?

18 A I did.

19 Q And did this training also include -- have
20 you also received training from an individual by
21 the name of Debby Benningfield, an eight-hour
22 training program on complex latent print
23 examination?

24 A Yes, I did.

1 Q Have you also been trained by an individual
2 by the name of Ivan Futrell and that was a 40-hour
3 training program on fingerprint comparison and
4 identification?

5 A Yes.

6 Q Have you also received training from Foray
7 Technologies?

8 A Yes.

9 Q A 24-hour training program in the operation
10 of digital processing of evidentiary photography?

11 A That is correct.

12 Q And would your training also include
13 training from the Illinois State Police, two
14 six-hour seminars regarding the collection,
15 submission, and reconciliation on triage of
16 evidence?

17 A Yes.

18 Q Okay. And do you participate in
19 proficiency testing as a latent print examiner?

20 A I do.

21 Q What is proficiency testing?

22 A It's a testing of -- that we do -- is sent
23 to the unit every year and you independently do it.
24 You're given unknown sources against known and you

1 examine them and give your answers as to whether or
2 not their identification's exclusions or
3 inconclusive.

4 Q And is that then checked by --

5 A And that is checked.

6 Q To insure that you reached the correct
7 conclusion?

8 A Yes.

9 Q And about how frequently do you participate
10 in proficiency testing?

11 A Once a year.

12 Q And have you always successfully completed
13 the proficiency test that you've been given?

14 A I have.

15 Q If you had to guesstimate, Officer, how
16 many print impressions or latent prints would you
17 say you examined over the course of your almost ten
18 years as a latent print examiner?

19 A Thousands.

20 Q And how many comparisons have you had to
21 guesstimate of print impressions to known
22 impressions would you say you've done over the
23 course of your career as a latent print examiner?

24 A Again thousands.

1 Q And have you ever been qualified in the
2 court of law as an expert in the field of latent
3 print examination?

4 A I have.

5 Q Now, does your lab, the Chicago Police
6 Department Lab, use what's known as ACE-V
7 methodology for examining and comparing prints?

8 A We do.

9 Q And that acronym stands for Analysis,
10 Comparison, Evaluation and Verification?

11 A Yes, it does.

12 Q And have you used that methodology
13 throughout your tenure as a latent print examiner
14 at the Chicago Police Lab?

15 A I do.

16 Q And is the ACE-V methodology generally
17 accepted in your field to compare known prints to
18 unknown prints?

19 A Yes, it is.

20 Q Did you use ACE-V in the case that you are
21 here to testify about today?

22 A I did.

23 MS. WATROBA: Your Honor, at this time I would
24 tender the witness as an expert in the field of

1 latent print examinations subject to voir dire. I
2 believe Counsel wants to voir dire.

3 THE COURT: All right. Go head.

4 (Short pause.)

5 MR. CAVISE: May I approach, Judge?

6 THE COURT: You may.

7 MS. WATROBA: May I see?

8 (Short pause.)

9 VOIR DIRE EXAMINATION

10 BY MR. CAVISE:

11 Q Officer Seavers, if you'll permit me. I'm
12 just going to mark this. And I'm going to show
13 what I have marked as Defense Exhibit 1. Is this a
14 copy of your current CV. You can take a look at
15 it.

16 A Okay. It is.

17 THE COURT: Counsel, just for the record, we
18 mark things as Minor Respondent not defendant here.

19 MR. CAVISE: I'm sorry, Judge.

20 THE COURT: All right. Thank you.

21 (Minor Respondent's Exhibit No. 1
22 marked for identification.)

23 BY MR. CAVISE:

24 Q You personally gave a copy of this current

1 CV to the assistant state's attorney before
2 our prior court date in February; right?

3 A I believe.

4 Q Okay. Officer Seavers, you told the Court
5 that you have an undergraduate degree from Arizona
6 State; right?

7 A That's correct.

8 Q And at Arizona State you studied
9 architectural and interior design; right?

10 A That's correct.

11 Q Okay. And that you got a bachelor of
12 science; right?

13 A That is correct.

14 Q That curriculum, however, did not include
15 hard sciences like biology or chemistry?

16 A That is correct, did not.

17 Q Officer Seavers, you know that people who
18 want to be forensic -- forensic fingerprint
19 examiners can get college degrees in forensic
20 science. You're aware of that fact; right?

21 A I -- sure.

22 Q Okay. And you know that there are masters
23 programs in applied forensic science?

24 MS. WATROBA: Objection; relevance.

1 THE COURT: What's the relevance?

2 MR. CAVISE: Judge, it's voir dire and
3 certainly at this point I'm exploring the depth of
4 her knowledge.

5 THE COURT: Overruled.

6 BY MR. CAVISE:

7 Q I'm sorry, Officer Seavers, you are aware
8 there are, in fact, masters degrees in applied
9 forensic science?

10 A I'm not familiar with them, but --

11 Q You know that they exist, Officer?

12 A Yes.

13 Q You also know, of course, that there are
14 majors of studies such as biology, chemistry, and
15 statistics that would clear a path to being a
16 forensic practitioner; right?

17 A Can you rephrase that, please? I'm sorry.

18 Q Part of forensic science is science; right?

19 A Correct.

20 Q And biology, chemistry, statistics are part
21 of science; right?

22 A That is correct.

23 Q And those are majors for areas of study
24 that are available when one is college; right?

1 A That is correct.

2 Q Okay. You do not have a professional
3 degree; right, Officer Seavers, a degree beyond
4 undergraduate?

5 A That is correct.

6 Q And you do not have a forensic science
7 degree?

8 A That is correct.

9 Q When the CP hired you in 1998, you were a
10 patrol officer; right?

11 A That is correct.

12 Q And when you were hired with the
13 Department, you did not have any professional
14 forensic experience?

15 A Correct.

16 Q And you were not hired at the Department as
17 a forensic practitioner?

18 A Correct.

19 Q So before joining the print unit in 2007,
20 you had not received any forensic fingerprint
21 training within the CP?

22 A This is correct.

23 Q Nor did you have forensic fingerprint
24 training outside of CP?

1 A That is correct.

2 Q And prior to 2007, you didn't have any
3 formal training in fingerprint methods like ACE-V?

4 A That is correct.

5 Q And prior to joining the unit, you were not
6 familiar with the foundational science in
7 fingerprinting examination; right?

8 A Right.

9 Q From July 2007 to July 2008, you did the
10 one year of apprenticeship you told the Court
11 about; right?

12 A Yes.

13 THE COURT: I'm sorry. Can you give me the
14 years, again, please.

15 MR. CAVISE: It's July 2007 to July 2008,
16 Judge.

17 THE COURT: All right. Thank you.

18 BY MR. CAVISE:

19 Q And during that apprenticeship, you did, in
20 fact, go through 240 hours of what you call
21 classroom training; correct?

22 A Yes.

23 Q 240 hours is 30 days; right?

24 A I would have to do the math, but --

1 Q Sure. 30 days is, in fact, one month;
2 right?

3 A Yes.

4 Q Okay. Now, in a section of your CV that
5 you've called specialized training, you attended a
6 three-day program at CPD that was given by Foray,
7 and that's F-O-R-A-Y Technologies; right?

8 A Yes.

9 Q And you know, Officer Seavers, that Foray
10 produces software for fingerprint databases; right?

11 A Yes.

12 Q You listed a second similar training from
13 NEC Corporation, do you remember that?

14 A Yes, I do.

15 Q And those two sessions -- neither of those
16 two sessions address fingerprint science; right?

17 A Correct.

18 Q And they didn't address fingerprint
19 research; right, Officer Seavers?

20 A Rephrase. Research as far as?

21 Q As far as developments in your field of
22 forensic fingerprint examination?

23 A Right.

24 Q Okay. And those trainings did not address

1 any of the fingerprint experience in this research;
2 right?

3 A Right.

4 Q Those trainings did not address the ACE-V
5 method; right?

6 A Right.

7 Q And the training did not address things
8 like connected ambiguity; right?

9 A Correct.

10 Q It did not address bias; right?

11 A Right.

12 Q It did not address close non-matches;
13 right?

14 A Correct.

15 Q And those trainings in your specialized
16 training sessions, did not address the Mayfield,
17 M-A-Y-F-I-E-L-D, misidentification; right?

18 A Correct.

19 Q In the later half of your one-year
20 apprenticeship, so in 2008, you attended six
21 different two-hour training sessions with the
22 Illinois State Police Lab; right?

23 A Yes.

24 Q And as you wrote in your CV, those

1 trainings concerned evidence collection, evidence
2 submission, evidence conciliation, and triage
3 methods; is that right?

4 A Yes.

5 Q Okay. By October of 2008, your
6 apprenticeship was complete; correct?

7 A Yes.

8 Q After that, you list 40 hours of training
9 from a retired FBI fingerprint analyst; right?

10 A Correct.

11 Q Forty hours is a work week?

12 A Correct.

13 Q You don't know when the analyst retired, is
14 that fair to say, Officer Seavers?

15 A I do not recall.

16 Q And in -- but 2008, he was no longer with
17 the FBI?

18 A There is correct.

19 Q Officer Seavers, in 2009 you list no
20 fingerprint examination training; right?

21 A I would have to look at the CV.

22 MR. CAVISE: Your Honor, may I provide Officer
23 Seavers with her own curriculum vitae?

24 THE COURT: Any objections?

1 MS. WATROBA: No objection.

2 THE COURT: All right.

3 (Short pause.)

4 BY MR. CAVISE:

5 Q Officer, I know you haven't -- you have not
6 broken it down by year. So if you want to take a
7 look and let me know -- confirm for me that, in
8 fact, in 2009 you have not listed fingerprint
9 examination training?

10 A NEC was in 2009.

11 Q Right. We just talked about that; right?
12 In 2010 you had two workdays of training; is that
13 right?

14 A Yes.

15 Q In 2011, no training or education in
16 fingerprint examination; right?

17 A Correct.

18 Q 2012 the same thing, no training or
19 education; right?

20 A Correct.

21 Q 2013 no training or education?

22 A Correct.

23 Q 2014 no training or education?

24 A Correct.

1 Q In 2015, you went to a four-hour workshop
2 called demystifying errorings in forensic science;
3 right?

4 A That is correct.

5 Q And that was a part of the Illinois
6 Association of -- oh, I'm sorry. That was the
7 International Association Identification
8 Conference; right?

9 A With the Illinois Division.

10 Q And that's the Illinois Division. Thank
11 you.

12 Officer Seavers, you, of course, know that
13 the IAI, the International Association
14 Identification, is not exclusively about
15 fingerprint examination; right?

16 A Correct.

17 Q In fact, the IAI conferences cover a number
18 of disciplines in which you don't practice at all?

19 A That is correct.

20 Q That event -- that particular event took
21 place in Naperville; right?

22 A Correct.

23 Q And you were present at that time?

24 A I was.

1 Q As you told the State's Attorney on direct
2 examination in October of last year, so roughly
3 five months ago, you went to an eight-hour workshop
4 at a similar conference; right?

5 A Correct.

6 Q Officer Seavers, you don't know how your
7 training compares to the training of other
8 fingerprint examiners in your community, do you?

9 A I do not.

10 Q And you're not aware of the extensive
11 education and training and re-training programs at,
12 for example, the Illinois State Police Lab?

13 A I'm not familiar.

14 Q And you're not aware of the national
15 standards for training for fingerprint examiners?

16 MS. WATROBA: Objection; relevance and
17 foundation.

18 THE COURT: Lay a foundation.

19 BY MR. CAVISE:

20 Q Officer Seavers, when you go to these
21 conferences, there are analysts who are not from
22 your unit; right?

23 A That is correct.

24 Q Okay. And at these conferences there is

1 not -- certainly you've had the opportunity for
2 what you call continuing education; right? Is that
3 right?

4 A To some extent.

5 Q Okay. However, these conferences do not
6 present information to you -- or do these
7 conferences present information to you about
8 standard of training within your unit?

9 A They do not.

10 Q Okay. And so as someone that the State is
11 trying to qualify as an expert, are you able to
12 tell us if you're aware of national standards for
13 fingerprint examination for -- I'm sorry, national
14 standards of training for fingerprint examiners?

15 A No.

16 Q And so, Officer Seavers, are you aware of
17 how training programs have changed in the last 13
18 years since the Mayfield misidentification?

19 MS. WATROBA: Objection; foundation, relevance
20 and form of the question.

21 THE COURT: Response?

22 MR. CAVISE: Judge, can she not tell me if she
23 knows whether she's aware about a change.

24 THE COURT: It's not a response to the

1 objection. Do you want to respond to the
2 objection?

3 MR. CAVISE: Which one relevance, foundation?

4 THE COURT: All of them.

5 MR. CAVISE: Okay. Relevance in so far as the
6 State is offering this witness as an expert, of
7 course, it is their burden to show that, in fact,
8 she had the requisite expertise. And foundation
9 would be I suppose the exact same as the previous
10 question, Judge.

11 THE COURT: Go ahead.

12 BY MR. CAVISE:

13 Q When you're at these conferences and
14 amongst your peers within the community, have you
15 become aware -- and you can say certainly no if you
16 don't know -- are you aware of how training program
17 have changed since the Mayfield misidentification?

18 MS. WATROBA: Objection to the form of the
19 question. It assumes a fact that's not in
20 evidence.

21 THE COURT: Sustained.

22 BY MR. CAVISE:

23 Q Per your subpoena response, Officer
24 Seavers, the Chicago Police Department's Latent

1 Print Unit has not been audited externally since
2 you've been there; right?

3 A That is correct.

4 Q The unit is not accredited by any
5 accrediting body; right?

6 A Correct.

7 Q Since you've been there the unit has not
8 attempted to be accredited?

9 A Correct.

10 Q No one from outside of CPD since you have
11 been there, has come in to do quality review of
12 your unit's work; right?

13 A Correct.

14 Q You have no written quality assurance
15 procedures?

16 A Correct.

17 Q You have no formal error management system;
18 right?

19 A Right.

20 Q You have no written professional
21 development procedures; right?

22 THE COURT: Sir, can you repeat that, please.

23 BY MR. CAVISE:

24 Q You have no written professional

1 development procedures; right, Officer Seavers?

2 A If you can rephrase it? I'm --

3 Q Well, so this is per your subpoena
4 response, Officer. Does your unit maintain bench
5 marks, for example, for professional development
6 and training you must attend or hours you must go
7 through?

8 A No.

9 Q Officer Seavers, again, if you know, you're
10 aware that the Illinois State Police Lab has
11 standard operating procedures; right?

12 A I'm not familiar with their procedures.

13 Q Okay. You've heard of the term "standard
14 operating procedures"?

15 A I have.

16 Q And you've heard of the term "standard
17 operating protocols"?

18 A I have.

19 Q Within your department, there's no written
20 document that tells you how to conduct ACE-V;
21 right?

22 A Correct.

23 Q And within your department there's no
24 document that tells you what characteristics you

1 should be looking for to make a possible latent
2 print conclusion; right?

3 A Correct.

4 Q And there's no written guideline or
5 standard within your department whatsoever for what
6 it means when you say "identify;" right?

7 A Correct.

8 Q There are no written directives for when
9 you can say "identify;" right?

10 A Correct.

11 Q And there's no written guideline on how a
12 verification should be conducted; right?

13 A Correct.

14 Q And of course, Officer Seavers, we're
15 talking about the V in ACE-V. That stands for
16 verification; right?

17 A Yes, it does.

18 Q Officer Seavers, you would agree that
19 verification is supposed to be a check on the first
20 analyst's work; correct?

21 A I'm sorry, can you repeat that?

22 Q Verification is supposed to be a check on
23 the first analyst's work; is that fair to say?

24 A A check on the first analyst --

1 Q As a measure of quality control, that's why
2 verification is a part of that method; right?

3 A Yes, it is.

4 Q Okay. Your unit, Officer Seavers, calls
5 that "corroboration;" right?

6 A Or verification.

7 Q You do know that there are officers in your
8 unit who refer to it as "corroboration"?

9 MS. WATROBA: Objection; relevance.

10 MR. CAVISE: I withdraw the question.

11 THE COURT: Thank you.

12 BY MR. CAVISE:

13 Q Officer Seavers, you've never disagreed
14 with another officer's conclusion about a
15 fingerprint; right?

16 A I have not.

17 Q Nor did you tender to me any instance in
18 which another officer disagreed with you; correct?

19 A Correct.

20 Q And, in fact, in your unit, there's no
21 documentation of when officers in your unit
22 disagree with each other on a conclusion; right?

23 A Correct.

24 MR. CAVISE: I'm sorry, Judge. I have to get a

1 sip of water.

2 (Short pause.)

3 MR. CAVISE: Thank you, Judge.

4 THE COURT: Uh-huh.

5 BY MR. CAVISE:

6 Q Officer Seavers, you have taken proficiency
7 tests, as you told us on direct; right?

8 A Yes.

9 Q And those are administered by an
10 organization called Collaborative Testing Services
11 or CTS; is that right?

12 A That's correct.

13 Q Okay. Those tests are not mixed within
14 your casework; right?

15 A Correct.

16 Q And I think you told us on direct that they
17 send the test to your unit; is that right?

18 A That's correct.

19 Q So you're personally aware when you're
20 going to do your CTS test?

21 A Yes.

22 Q And, in fact, you can take as much time as
23 want to complete that test; right?

24 A That's correct.

1 Q Officer, are you aware that CTS itself
2 published a statement that said its results don't
3 reflect examination expected in casework?

4 MS. WATROBA: Objection; relevance, form,
5 assumes fact not in evidence, foundation.

6 THE COURT: Response?

7 MR. CAVISE: All of this in my opinion, Judge,
8 is relevant, as an expert takes a proficiency test
9 so I am clearly crossing her on her knowledge.

10 THE COURT: Can you tell me what facts are in
11 evidence for that statement as of yet?

12 BY MR. CAVISE:

13 Q Officer Seavers, when you take --

14 MR. CAVISE: I'm sorry, Judge, do you mind if I
15 attempt to do that?

16 THE COURT: Go ahead.

17 BY MR. CAVISE:

18 Q Officer, when you take the collaborative
19 testing services examination, are you told what CTS
20 does before you take them?

21 A I am not.

22 Q Okay. You are aware that CTS is the
23 testing organization to whom your lab sends the
24 results; right?

1 A Yes.

2 Q And you aware, Officer Seavers, that your
3 unit pays to do that testing; right?

4 A I'm not aware of that.

5 Q Officer Seavers, is CTS represented at the
6 IAI conferences that you attend?

7 A I'm not familiar if they are or not. I
8 don't -- I couldn't say.

9 Q Okay.

10 MR. CAVISE: (Inaudible.)

11 THE COURT: Okay. The objection is sustained
12 then.

13 BY MR. CAVISE:

14 Q Officer Seavers, you told us you are a
15 member of the IAI; right?

16 A Correct.

17 Q To be a member of the IAI you have to be
18 pay a fee; is that right?

19 A That's right.

20 Q Do you know how much fee is?

21 A Not offhand. I don't recall.

22 Q Do you pay it yourself or does the unit pay
23 it?

24 A I pay --

1 MS. WATROBA: Objection; relevance.

2 THE COURT: Overruled.

3 BY MR. CAVISE:

4 Q I'm sorry, I didn't hear the answer.

5 A I pay it myself.

6 Q You pay it. Officer Seavers, as a member
7 of IAI you know that IAI can grant certification to
8 individual analysts; right?

9 A Correct.

10 Q Officer Seavers, certification is a
11 two-step process; is that right?

12 A I'm not familiar with it.

13 Q Okay. Have you ever sought certification?

14 A I have not.

15 Q So you've never taken a certification exam?

16 A I have not.

17 Q You are aware that other members of your
18 unit are, in fact, certified?

19 A I am.

20 Q In fact, you're aware that your unit offers
21 a prep course, so to speak, for IAI certification
22 program; right?

23 A I'm not familiar with that.

24 Q You're not certified by IAI?

1 A I am not.

2 Q You're not certified by any other body that
3 can grant certification?

4 A No.

5 Q Officer Seavers, you've never been
6 published; right?

7 A That's correct.

8 Q You don't conduct studies; right?

9 A Correct.

10 Q You don't do your own research; right?

11 A Correct.

12 Q No one has ever asked you to participate in
13 publishable or research or studies?

14 A That is correct..

15 Q You know that other forensic organizations
16 do conduct research and publish studies?

17 A I'm not familiar with what they do.

18 Q Officer Seavers, I'm sorry, what I asked
19 you is that other organizations outside of CPD, you
20 are aware they publish research and studies; right?

21 A Oh, yes.

22 MS. WATROBA: Objection. Withdrawn.

23 THE COURT: She withdrew so the answer stands.

24 MR. CAVISE: Oh. I'm sorry. I didn't catch

1 that part.

2 BY MR. CAVISE:

3 Q So, Officer Seavers, as a person who seeks
4 qualification as an expert in a forensic science
5 discipline and having been qualified before, you
6 know that you have to show the Court that the
7 method that you use is valid; right?

8 MS. WATROBA: Objection; relevance and form.

9 MR. CAVISE: I can't imagine how this could be
10 frankly more relevant.

11 MS. WATROBA: How her knowledge of the legal
12 standard --

13 THE COURT: I think you need to rephrase the
14 question.

15 BY MR. CAVISE:

16 Q In order to say that what you do as a
17 member of the latent print unit -- I'm sorry, as a
18 person who seeks to be qualified as an expert, it's
19 important that you -- excuse me, that you know that
20 your field is valid; right? The method that you
21 use is valid; is that right, Officer Seavers?

22 A Yes.

23 Q Okay. And so part of validity in what you
24 tell -- excuse me, part of validity is that you

1 need to be able to say that you can get a correct
2 answer; right?

3 A Correct.

4 Q You need to be able to say you can get a
5 correct answer and that you can get a correct
6 answer consistently; right?

7 A Correct.

8 Q In other words, you know that to be an
9 expert, you have to be able to say that what you do
10 is accurate and reliable; right?

11 A That's right.

12 Q Okay. To have that discussion as an
13 expert, you have to be aware of innovations in
14 science and technology of fingerprints; right?

15 MS. WATROBA: Objection to the form of the
16 question. It's vague.

17 THE COURT: Overruled.

18 BY MR. CAVISE:

19 Q You can answer. Do you need me to repeat
20 it.

21 A Repeat it, please.

22 Q To have that discussion as an expert, you
23 have to be aware of innovation in the science and
24 technology of fingerprints; right?

1 A Right.

2 Q Okay. As a member of the IAI, you have
3 access to their journal called the Journal of
4 Forensic Identification; is that right?

5 A This is true.

6 Q And the editors of that journal publish
7 relevant studies and research to your work?

8 A They do.

9 Q Similarly the Journal of Forensic Science
10 publishes relevant studies and research; right?

11 A I'm not familiar with that Journal.

12 Q You're not familiar with the journal of
13 Forensic Science?

14 A I've heard of it, but I do not get it.

15 Q Okay. You're not aware that they publish
16 studies and research?

17 A I couldn't -- they do. I am aware that
18 they do.

19 Q Have you heard of the Journal of -- I'm
20 sorry, the Forensic Science International, have you
21 heard of that journal?

22 A I'm not familiar.

23 Q Officer Seavers, have you heard of the FBI?

24 A Yes.

1 Q Officer Seavers, you know, of course, as a
2 member of the Latent Print Community, the FBI has
3 arguably the most reputable fingerprint lab in the
4 world; right?

5 A I'm not familiar with their lab.

6 Q You're not familiar with their lab. Okay.
7 Are you familiar -- or do you know, Officer
8 Seavers, that the FBI also publishes research and
9 studies?

10 A Yes.

11 Q Okay. Officer Seavers, you have heard, of
12 course, of the Department of Justice?

13 A Yes.

14 Q And you know that the Department of Justice
15 publishes research and studies about your field;
16 right?

17 A Yes.

18 Q And, of course, you have heard of the
19 division of the army, the United States Military;
20 right?

21 A Yes.

22 Q And you know that they also publish
23 research and studies about your field; right?

24 A That I'm not familiar with.

1 Q Okay. So the ones that you are familiar
2 with, of course, you are aware that those sources,
3 those organizations, those law enforcement groups
4 have an interest in maintaining the integrity of
5 forensic fingerprint examination; right?

6 MS. WATROBA: Objection; relevance on voir
7 dire.

8 THE COURT: Sustained.

9 BY MR. CAVISE:

10 Q Officer Seavers, it's folks who work in
11 other labs outside of CPD who study the scientific
12 understanding of fingerprint examination; right?

13 MS. WATROBA: Objection; relevance on voir
14 dire.

15 THE COURT: What's the relevance?

16 MR. CAVISE: Officer Seavers has told us she
17 does not, in fact, conduct studies and at this
18 point on voir dire she needs to tell the Court
19 exactly how it is she knows that the testimony she
20 would give if you qualify her could be reliable,
21 credible, or worth anything at all.

22 THE COURT: How is that question relevant to
23 that issue?

24 MR. CAVISE: Well, certainly if Officer Seavers

1 can tell us that she's aware that anyone outside of
2 CPD publishes research about --

3 THE COURT: She's already answered that
4 question --

5 MR. CAVISE: Okay.

6 THE COURT: -- of various journals that you
7 discussed with her. Sustained.

8 BY MR. CAVISE:

9 Q So when there are changes in your field,
10 Officer Seavers, as a member of a non-publishing
11 and non-researching forensic unit, you have to rely
12 on the research and studies of other experts;
13 right?

14 A I won't say I rely on them, no.

15 Q Okay. So how do you know then -- where do
16 you get your information about current developments
17 in your field?

18 A Through journals and reading and day-to-day
19 work.

20 Q Okay. Which journals are you reading?

21 A The Journal of Forensic Identification.

22 Q Okay. In the Journal of Forensic
23 Identification, have you been reading about the
24 effects of cognisant bias?

1 A I have not.

2 MS. WATROBA: Objection; form of the question.

3 THE COURT: Overruled.

4 BY MR. CAVISE:

5 Q Have you been reading about the impact that
6 using AFIS may have on finding --

7 THE COURT: I'm sorry. I don't know that we
8 got an answer for the last question after the
9 objection.

10 MR. CAVISE: Oh, I'm sorry. I actually did.

11 BY MR. CAVISE:

12 Q Officer Seavers, I believe you said you
13 have not; is that right?

14 A Right.

15 THE COURT: Is that a no?

16 THE WITNESS: No.

17 THE COURT: Thank you.

18 BY MR. CAVISE:

19 Q And from the IAI journal, have you read
20 articles about the risks of using AFIS?

21 A I have not.

22 Q Okay. From the IAI journal, have you read
23 about the risks of finding close non-matches with
24 (inaudible)?

1 A I have not.

2 Q Okay. From the IAI journal, have you read
3 about the developments in your statements of -- or
4 your conclusion statements in court?

5 A I don't recall.

6 Q Okay. So you've told us you read the IAI
7 journal, can you point to any article that you have
8 read that will serve as your knowledge of how
9 development in your field are happening?

10 MS. WATROBA: Objection to the form of the
11 question.

12 THE COURT: Sustained.

13 BY MR. CAVISE:

14 Q Officer Seavers, can you name anything
15 you've read in the last year that would tell us
16 that you are up to date in your field?

17 MS. WATROBA: Objection; form of the question.

18 THE COURT: Sustained.

19 BY MR. CAVISE:

20 Q Officer Seavers, why would you read the IAI
21 journal?

22 A They send it to me, and I read it for
23 knowledge.

24 Q They send it to because you're a latent

1 print examiner; right?

2 A That's correct.

3 Q And the articles that they publish have to
4 deal with latent print examination; right?

5 A Some of them.

6 Q Some of them. So you want to read those
7 articles so you can see what's going on in your
8 field; right?

9 A Sure.

10 Q And if you find an article that has
11 information you didn't already know in it, you'd
12 like to absorb that information; right?

13 A Yes.

14 Q Okay. Is it your testimony that the
15 Journal of Forensic Identification is the only
16 thing you read to stay current on your field?

17 A No.

18 Q Okay. So, Officer Seavers, you are aware
19 that the United States Congress funds research into
20 your field; right?

21 A I'm not aware of that.

22 Q Officer Seavers, have you -- are you aware
23 that the United States Department of Justice funds
24 research in your field?

1 A I am.

2 Q Okay. What reports authored by the
3 Department of Justice have you read?

4 A Offhand I couldn't say.

5 Q Officer Seavers, have you ever heard of the
6 Brandon Mayfield case?

7 MS. WATROBA: Objection; relevance.

8 THE COURT: Overruled.

9 THE WITNESS: I have.

10 BY MR. CAVISE:

11 Q Okay. Can you please tell us what that
12 case was about?

13 A It was about a misidentification in Spain.

14 Q Okay. Which lab did the work on that case,
15 do you recall?

16 A The FBI I believe.

17 Q Okay. Officer Seavers, when the FBI makes
18 a misidentification, is it important as an expert
19 to know what went wrong?

20 MS. WATROBA: Objection; relevance and form of
21 the question.

22 THE COURT: Overruled.

23 THE WITNESS: Without actually seeing the
24 print, it's hard to.

1 BY MR. CAVISE:

2 Q Would it be important to know what went
3 wrong within that lab even if you don't see the
4 prints yourself?

5 MS. WATROBA: Objection; asked and answered.

6 THE COURT: Overruled.

7 THE WITNESS: Yes.

8 BY MR. CAVISE:

9 Q Okay. Did you read the office of the
10 Inspector General's report on the Brandon Mayfield
11 misidentification?

12 A I don't recall.

13 Q Okay. Officer Seavers, have you ever heard
14 of the National Academy of Sciences?

15 A I have.

16 Q Did you read the National Academy of
17 Sciences report that came from the Brandon Mayfield
18 misidentification?

19 A I did not.

20 Q Officer Seavers, not having read the NAS
21 report and the Brandon Mayfield report, are you
22 aware that both of those reports are available to
23 the public?

24 A Yes.

1 Q Okay. And when I say available to the
2 public, I mean that you can download it after a
3 Google search. Are you aware of that?

4 A I'm not aware that you could, but --

5 Q Officer Seavers, you also recall that in
6 2015, we were in an interview together in which
7 another lawyer in my office asked you about the NAS
8 report. Do you remember that?

9 A I don't recall.

10 Q You don't recall meeting with me in 2015?

11 A I recall meeting with you in 2015, yes.

12 Q In that meeting myself and the other lawyer
13 asked you about the NAS report. Do you remember
14 that?

15 A I don't recall the question, no.

16 Q Officer Seavers, you recall that we
17 tendered you a CD with that report on it?

18 MS. WATROBA: Objection; relevance.

19 THE COURT: Overruled.

20 THE WITNESS: No, I do not recall.

21 BY MR. CAVISE:

22 Q Officer Seavers, when you go to IAI
23 conferences in Chicago, you've heard members of
24 your field talk about the NAS report; right?

1 A No.

2 Q And in your reading of the forensic -- the
3 IAI journal, you haven't read anything that had to
4 do with the NAS report?

5 A I don't recall.

6 Q Officer Seavers, why in the last eight
7 years have you not read the Brandon Mayfield
8 misidentification report?

9 MS. WATROBA: Objection; relevance.

10 THE COURT: What's the relevance?

11 MR. CAVISE: Again --

12 THE COURT: Is there a requirement for her to
13 read it? She's already said she didn't read it.

14 MR. CAVISE: Well, actually, Judge, I -- strike
15 -- withdraw that.

16 THE COURT: All right.

17 BY MR. CAVISE:

18 Q Officer Seavers, have you read the
19 President's Council Advisors on Science and
20 Technology report?

21 A No.

22 Q Have you read any of the error rates that
23 were published in that report, any error rate
24 studies?

1 MS. WATROBA: Objection; asked and answered.
2 She testified that she has -- oh, I withdraw that
3 question. My mistake.

4 BY MR. CAVISE:

5 Q Have you read any of the error rate studies
6 that that report talks about?

7 A No.

8 Q Officer Seavers, are you prepared today in
9 your testimony and qualified to discuss any error
10 rates in fingerprint examination?

11 MS. WATROBA: Objection; relevance.

12 THE COURT: Sustained.

13

14 BY MR. CAVISE:

15 Q Officer Seavers, do you know what a black
16 box study is?

17 MS. WATROBA: Objection; relevance.

18 THE COURT: What's the relevance?

19 MR. CAVISE: This person is being offered as an
20 expert. Black box study is foundational to
21 science, Judge, and her work.

22 MS. WATROBA: That is --

23 THE COURT: This is voir dire right now for
24 whether or not she's going to be qualified as an

1 expert. How's that question relevant or helpful to
2 the Court in determining whether or not I should
3 qualify her as an expert?

4 MR. CAVISE: In my opinion, Judge, knowing
5 whether your expert who may give you scientific
6 testimony is not aware of how science is conducted
7 is relevant --

8 THE COURT: Don't you have to establish
9 something foundational about the black box for it
10 to be of relevance to me?

11 BY MR. CAVISE:

12 Q Officer Seavers --

13 THE COURT: Thank you. Sustained.

14 BY MR. CAVISE:

15 Q Officer Seavers, in your classroom training
16 at CPD, I believe you told the State that you had
17 some information of the science of fingerprints; is
18 that right?

19 A Correct.

20 Q In your discussion of fingerprint science
21 and your examination method, were you taught how it
22 is that in your field you can say that you've
23 reached an identification, the foundation of that
24 conclusion?

1 A Yes.

2 Q Okay. And you know, of course, Officer
3 Seavers, that you can have an inclusion and
4 exclusion or you can say that something is
5 inconclusive; right?

6 A Correct.

7 Q And that in order to say that that method
8 that you used is valid and reliable, you are aware
9 that people had to determine that for you; right?
10 You don't do these studies and research yourself;
11 right?

12 A Correct.

13 Q So in your training you've been told, we do
14 this work that is valid and reliable; right?

15 A Correct.

16 Q Officer Seavers, do you have any knowledge
17 whatsoever of what informs the scientific method to
18 produce your results?

19 A Can you rephrase that?

20 Q Do you have any knowledge whatsoever of how
21 you can come to the conclusion that what you do is
22 valid and reliable? Do you know how the scientific
23 method operates, Officer Seavers?

24 A I do.

1 Q Okay. Do -- are you aware then, Officer
2 Seavers, you would agree rather, that having
3 empirical evidence is necessary for a successful
4 scientific method; right?

5 MS. WATROBA: Objection; again relevance and
6 assumes facts not in evidence.

7 THE COURT: Sustained.

8 BY MR. CAVISE:

9 Q Officer Seavers, do you know what a close
10 non-match is?

11 MS. WATROBA: Objection; relevance.

12 THE COURT: Sustained.

13 BY MR. CAVISE:

14 Q Can you tell the Court anything about how
15 using AFIS increases finding a close non-match?

16 MS. WATROBA: Objection; relevance.

17 THE COURT: Sustained.

18 BY MR. CAVISE:

19 Q Officer Seavers, you have no written code
20 of ethics, right, in your unit?

21 A Correct.

22 Q And you've never testified for the defense;
23 right?

24 A Correct.

1 Q And you've never been asked to testify for
2 the defense; right?

3 A Correct.

4 Q Officer Seavers, your unit will only speak
5 to defense counsel under subpoena --

6 MS. WATROBA: Objection; relevance.

7 THE COURT: Sustained.

8 BY MR. CAVISE:

9 Q Officer Seavers, you did not call me back
10 when I requested to meet with you before trial;
11 right?

12 MS. WATROBA: Objection; relevance.

13 THE COURT: Sustained.

14 MR. CAVISE: Judge, if you will permit, can I
15 approach the witness?

16 THE COURT: You may.

17 MR. CAVISE: Thank you.

18 BY MR. CAVISE:

19 Q Officer Seavers, I understand that you have
20 not -- excuse me, read this document?

21 MS. WATROBA: Your Honor, may I see what
22 document --

23 MR. CAVISE: It's the NAS report.

24 THE COURT: Show the other side what we're

1 marking.

2 MR. CAVISE: Minor's Respondent No. 2.

3 (Minor's Respondent Exhibit No. 2

4 marked for identification)

5 BY MR. CAVISE:

6 Q Officer Seavers, I'm now showing you a
7 document called, "Strengthening Forensic Science in
8 the United States: A Path Forward"?

9 A You are.

10 Q Does it say in the middle of the page,
11 "National Research Counsel of the National
12 Academies"?

13 A It does.

14 Q Does it say, "The National Academies Press,
15 Washington, DC"?

16 A It does.

17 Q You have not read this report; is that
18 right?

19 A That's correct.

20 Q Okay. Officer Seavers, I'm showing you
21 what I've marked as Minor Respondent's No. 3. Does
22 that say a review of the FBI's handling of the
23 Brandon Mayfield case?

24

1 (Minor Respondent's Exhibit No. 3
2 marked for identification.)

3 A It does.

4 Q Does it have the seal of the Office of the
5 Inspector General under the Department of Justice?

6 A It does.

7 THE COURT: Counsel, I don't mean to interrupt,
8 but it would be helpful to the Court if you could
9 identify what article you're referring to as
10 opposed to reading the title so that I have a
11 chronology of what's being introduced or presented.

12 MR. CAVISE: Sure. I'm sorry, Judge.

13 THE COURT: What's the article?

14 MR. CAVISE: And I did go out of order during
15 my cross. So that first one, Minor Respondent's
16 No. 2 is what I've been calling the NAS report.

17 THE COURT: NAS report. Thank you.

18 MR. CAVISE: Minor Respondent's No. 3 is what
19 is commonly called the OIG's report, the Brandon
20 Mayfield misidentification.

21 THE COURT: All right.

22 (Short pause.)

23 BY MR. CAVISE:

24 Q Officer Seavers, I'm showing you what I've

1 marked as Minor Respondent's No. 4.

2 (Minor Respondent's Exhibit No. 4
3 marked for identification.)

4 THE COURT: Sir, did we get an answer for No. 3
5 because I interrupted you and asked you --

6 MR. CAVISE: No. 3, Judge -- unless I screwed
7 up my numbers, is the OIG's report on Brandon
8 Mayfield.

9 THE COURT: I'm aware that that's the article,
10 but I don't believe I have an answer to the
11 question.

12 MR. CAVISE: Oh, sure.

13 BY MR. CAVISE:

14 Q Officer, you have not read this report; is
15 that right?

16 A I have not.

17 Q Okay. Minor Respondent's No. 4, Officer
18 Seavers, this is "Latent Print Examination and
19 Human Factors"; right?

20 A Correct.

21 Q Okay. And this says the National Institute
22 of Standards and Technology?

23 A It does.

24 Q And on the right at the bottom National

1 Institute of Justice; right?

2 A It does.

3 Q Are you aware that's an arm of the
4 Department of Justice?

5 A Yes.

6 Q Okay. Have you read this report?

7 A I have not.

8 Q Okay.

9 THE COURT: And the name of that report would
10 be, Counsel?

11 MR. CAVISE: This is "Latent Print Examination
12 and Human Factors," Judge.

13 THE COURT: And you refer to it as?

14 MR. CAVISE: Human Factors.

15 THE COURT: Thank you.

16 (Short pause.)

17 BY MR. CAVISE:

18 Q Officer Seavers, I'm showing you Minor
19 Respondent's No. 5. Is this titled, "Report to the
20 President Forensic Science in Criminal Courts
21 Ensuring Scientific Validity of Feature Comparison
22 Methods"?

23 (Minor Respondent's Exhibit No. 5
24 marked for identification.)

1 A It is.

2 Q Okay. And does it have Office of the
3 President of the United States at the bottom?

4 A Executive office, yes.

5 Q There you go, executive office. And you've
6 told us you did not read this report; right?

7 A I have not.

8 Q Okay.

9 THE COURT: And that report is commonly
10 referred to as?

11 MR. CAVISE: PCAST.

12 THE COURT: Thank you.

13 MR. CAVISE: P-C-A-S-T.

14 (Short pause.)

15 MR. CAVISE: And, Judge, it is -- I am asking
16 your Honor at this point to receive these reports
17 into evidence. I am, of course, not going to --
18 you can have these if you want them, but I have a
19 CD for you.

20 I'm asking you to receive these into
21 evidence at this point.

22 THE COURT: I'm assuming you have an objection.

23 MS. WATROBA: I have several.

24 THE COURT: All right. Go ahead.

1 MS. WATROBA: Relevance, foundation, and
2 hearsay.

3 THE COURT: And your response?

4 MR. CAVISE: My response, Judge, is a little
5 bit lengthier than I would imagine you'd like. But
6 I have, in fact, researched these issues. I can
7 tell you first and foremost they are not hearsay.
8 There's an exception to hearsay.

9 All of these documents -- and actually,
10 Judge, I have a memorandum of law, if you would
11 like. It's one page long.

12 THE COURT: Let's see it.

13 MS. WATROBA: Which memo is it, the first one
14 or the second one?

15 (Short pause.)

16 MR. CAVISE: There's two memos, Judge. They're
17 each one page. I don't think that that is
18 pertinent to admission of this evidence right now,
19 but rather for the inevitable objection from State
20 about the scope of my cross-examination --

21 THE COURT: Okay. Then let's focus on the
22 objection I have at hand. Where's the response for
23 that? This is also regarding cross.

24 MR. CAVISE: That is about specifically the

1 admissibility of these documents I'm asking your
2 Honor to receive.

3 THE COURT: So why don't you give me the short
4 version of what your response is?

5 MR. CAVISE: Sure. So first of all, the
6 hearsay argument needs to be dealt with
7 immediately. I'm sorry, Judge, I need to find my
8 notes.

9 THE COURT: Well, let's start with the
10 relevance because if it's not relevant, then it
11 doesn't really matter if it's hearsay or anything
12 else.

13 What's the relevance of those documents
14 admitted into evidence?

15 MS. WATROBA: May I approach, your Honor?

16 THE COURT: She's already responded that she's
17 not read any of them.

18 MS. WATROBA: May I approach, your Honor?

19 THE COURT: You may.

20 MS. WATROBA: Thank you.

21 MR. CAVISE: Two things. One, the Officer
22 while not having read any of these, has told us
23 that, in fact, these are the kinds of things that
24 experts have to rely on. Particularly --

1 THE COURT: No, that's not what she said. I've
2 not heard her say that. You asked her if these
3 might be items that someone would rely on, but I
4 haven't heard anybody say that there's a
5 requirement that they rely on those articles.

6 MR. CAVISE: Okay.

7 THE COURT: She's acknowledged that she's not
8 read them.

9 MR. CAVISE: Sure. In that case, Judge, your
10 Honor per this memo and the caselaw can, in fact,
11 take judicial notice that these documents are
12 authoritative as courts all across the country
13 have --

14 THE COURT: Who's told me that I should take
15 judicial notice because they're authoritative?

16 MR. CAVISE: I would ask your Honor -- I would
17 ask your Honor to take notice that these documents
18 are authoritative, and you can then therefore admit
19 them into evidence.

20 MS. WATROBA: There's been no foundation for
21 that, your Honor.

22 THE COURT: I agree.

23 MR. CAVISE: These documents they are authored
24 via legislation for the United States Congress as

1 well as ordered by the President are
2 self-authenticating government documents. They are
3 an exception to hearsay --

4 THE COURT: But you want me to admit them into
5 evidence as authoritative documents in that field.
6 That's a bit of a stretch. How are these relevant
7 to the voir dire portion that we're dealing with
8 now?

9 MR. CAVISE: The --

10 THE COURT: You've asked her if she read these
11 articles. She's acknowledged she has not read
12 them. Why should I now then admit them into
13 evidence, and for what purpose if we're dealing
14 with voir dire?

15 MR. CAVISE: Because I'm strenuously objecting
16 to this Court qualifying her as an expert, and
17 since the --

18 THE COURT: Well, I get that, but --

19 MR. CAVISE: -- since the caselaw --

20 THE COURT: -- you're still not answering my
21 question.

22 MR. CAVISE: So not -- certainly, we could
23 accept the answer that she hasn't read these, and I
24 can argue then that she hasn't read any of these.

1 What I'm asking is, is to go a step
2 further.

3 THE COURT: Correct.

4 MR. CAVISE: That based on proper law, which
5 I've outlined in this memo, your Honor, in fact,
6 can and should take notice that they are
7 authoritative and, of course, recognize that they
8 are an exception to hearsay and admissible.

9 THE COURT: Do you not have to establish that
10 they are, in fact, authoritative in the field
11 before I take judicial notice of them?

12 MR. CAVISE: Judge, that is what's laid out in
13 this memorandum.

14 THE COURT: Okay. Well, then tell me that,
15 specifically. Where is there some caselaw,
16 statute, some authority that tells me that these
17 items that you're trying to introduce into evidence
18 establish that they are authoritative documents in
19 the field of latent print identification --

20 MR. CAVISE: Sure.

21 THE COURT: -- that someone such as
22 Ms. Seavers must be familiar with in order for me
23 to take judicial notice of them?

24 MR. CAVISE: Sure. Under Erickson v. Baxter